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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28162-2021 (O&M)
DATE OF DECISION: 29th JULY, 2021

BUTA SINGH

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rahul Arora, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This is a second petition under Section 439 of Cr.P.C. seeking regular bail in FIR No.20 , dated 17th March, 2019, under Section 21, 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [hereinafter 'the Act'], registered at Police Station Mamdot, District Ferozepur.

[3] The earlier bail application was dismissed as withdrawn on 11th January, 2021.

[4] The police acted upon a secret information that Buta Singh (petitioner) was indulging smuggling of Heroin from Pakistan and selling the same. The petitioner was apprehended on 17th March, 2019 and 2.60 kgs of Heroin was recovered from the fields near Indo Pak Border.

[5] Learned counsel for the petitioner submits that the petitioner is in custody since 17th March, 2019. No recovery was made from his

conscious possession and the trial is not progressing.

[5] Learned State counsel opposes the prayer for grant of regular bail. She, on instructions from ASI Harbans Singh submits that Heroin was recovered was at the instance of Petitioner and it is a case of heavy recovery. She further submits that out of fifteen prosecution witnesses eleven have been examined and an earnest efforts would be made to conclude the prosecution evidence as expeditiously as possible.

[6] In the present case there was a recovery of 2.60 Kgs of Heroin. The allegations are serious that petitioner is engaged in cross border smuggling of intoxicants. It was at his instance that recovery was made from the field near Indo Pak Border. The case falls within the ambit of Section 37 of the Act and mere custody period in itself cannot be the only ground for grant of regular bail.

[7] No ground is made out for grant of bail.

[8] Dismissed.

[AVNEESH JHINGAN]
JUDGE

29th JULY, 2021

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |